Mysore Gazette dated 18th May 1967 in so far as the petitioner and the respondents 2 and 3 are concerned and etc.

This Writ Petition coming on for hearing this day, NARAYANA PAI, J. made the following :—

ORDER

Although the second Respondent is shown as not having been served, Sri V.L. Narasimha Murthy appearing for the petitioner, gives him up for the reason that he has since retired during the pendency of this Writ Petition.

2 The points raised in the petition have already been dealt with by us in W.P.No. 3772 of 1969 and connected petitions which were disposed of on the 13th July, 1970. The Petitioner in this case, who along with certain others was shown in one category in the provisional Inter-State Seniority List was later shown in another category, which is described as a Lower Category in the final I.S.S. list. Before doing so she was not given an opportunity to make any representation. As she was satisfied with her position as shown in the Provisional Inter-State Seniority List, she did not present any representation against it.

3 Applying, therefore, the ruling of this Court in the case SUBBA RAO V., The Union of India, 1969 (1) Mysore Law Journal 440, we quash the seniority assigned to the Petitioner in the final Inter-State Seniority List impugned in the petition and direct the Union Government to re-examine her case regarding seniority after giving her and other persons who are likely to be affected by the ultimate decision, an opportunity to make representations. Time six months.

A. NARAYANA PAI,
Judge
K. BHIMIAH,
Judge

Notification dated 31st August 1970.

No. GAD 111 INS 70. In the Judgement of the Mysore High Court dated 13th July, 1970, in Writ Petition No. 4203/69 (Sri. M. K. Rangaswamy Gupta Vs. Union of India and others) (Vide Annexure), the High Court has observed that the petitioner who was an allottee from the Madras to the new State of Mysore had been appointed as an Upper Division Clerk in Madras (corresponding to the I Division Clerk of the Mysore) under Rule 39 (a) (1) of the General Rules applicable to such recruitments in Madras State and that, according to the ruling of the Court in Writ Petition No. 1833/66 disposed of on 11th December 1968, the service of an official whether temporarily or permanently continued and extends over a fairly long period, there could be no question of excluding any period unless it be that the service is purely what is described as a stop-gap arrangement for an extremly short period. Applying the decision of the Court in Subba Rao, Vs. Union of India reported in 1969 (1) Mysore Law Journal 440, the High Court has quashed the seniority allotted to the petitioner in the final Inter State Seniority List of Non-Gazetted Officials of the Sericulture Department as on 1st November 1956 published in Notification No. GAD 225 INS 67 dated 25th March 1968, and has directed the Union of India to re-examine the petitioner's case in accordance with Law and in the light of the decision cited above, after giving an opportunity to make representations to the petitioner and such other persons as are likely to be affected by the ultimate decision of the Government.

2. It is notified, for the information of all the concerned Officers, that representations in terms of the directions of the Court may be submitted/within *Fifteen days from the date of publication of the Notification in the Mysore Gazette* addressed to the Secretary to the Government of India, Ministry of Home Affairs, New Delhi-1, through the Chief Secretary to the Government of Mysore, General Administration Department (Integration), Vidhana Soudha, Bangalore-1, for consideration and disposal by the Government of India in terms of the directions of the High Court.

By Order and in the name of the Governor of Mysore.

G. S. TELANG, *Dy. Secy. to Govt., G.A.D. (Integration).*

ANNEXURE

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 13th day of July 1970.

Present

The Hon'ble Mr. Justice A. Narayana Pai
And
The Hon'ble Mr. Justice K. Bhimiah

Writ Petition No. 4203 of 1969

M. K. Rangaswamy Gupta, son of late Meda Kasturiranga Setty, I Dn. Clerk, Office of the Director of Sericulture, Bangalore ... *Petitioners.*

(By Shri H. B. Datar)

Vs.

1. The Union of India, by its Secretary, Ministry of Home Affairs, New Delhi.
2. The State of Mysore by its Chief Secretary, Vidhana Soudha, Bangalore-1.
3. The Director of Sericulture, Bangalore

... *Respondents.*

(By Shri S. G. Doddakale Gowda for Respondents 2 and 3, H. C. Government Pleader Sri B. S. Keshava Iyengar, for R. 1)

Writ Petition under Art. 226 of the Constitution of India with an affidavit praying that in the circumstances stated therein this Court may be pleased to quash the final Inter-State Seniority of Non-Gazetted Officials of the Sericulture Department as on 1st November 1956 published in Notification No. GAD 225 INS 67, dated 25th March 1968, and etc.

This writ petition coming on for hearing this day, Narayana Pai, J. made the following:

ORDER

The petitioner, who was an allottee from Madras to the New State of Mysore had been appointed as an Upper Division Clerk in Madras (Corresponding to the First Division Clerk of Mysore) under Rule 39 (a) (1) of the General